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Attorneys for Plaintiffs, Operating Engineers' Health and Welfare Trust Fund for Northern California, et al.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

## OPERATING ENGINEERS' HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA, et al.

13 | Plaintiffs.

V

**16** KINO AGGREGATES, INC., a Nevada Corporation.

**Defendant.**

Case No.: C16-2795 HSG

**PLAINTIFFS' REQUEST TO CONTINUE  
CASE MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER THEREON**

Date: Tuesday, August 30, 2016

Time: 2:00 p.m.

Ctrm: 10 – 19<sup>th</sup> Floor

450 Golden Gate Ave.

133 Golden Gate Ave.  
San Francisco, California

Judge: Hon. Haywood S. Gilliam

19 Plaintiffs respectfully request that the Case Management Conference, currently on calendar  
20 for August 30, 2016, be continued for approximately 60-90 days. Good cause exists for the granting  
21 of the continuance, as follows:

22 1. As the Court's records will reflect, this action was filed on May 24, 2016.

23       2. Defendant was served via substitution on June 9, 2016, with a June 15, 2016 mailing  
24 deeming service effectuated on June 25, 2016. A Proof of Service of Summons was filed with the  
25 Court on June 27, 2016 (Dkt. #11).

26       3.     Defendant failed to plead or otherwise respond to the lawsuit, and the Clerk entered  
27 default as to Defendant on July 26, 2016 (Dkt. #13). Defendant was duly served with a copy of the  
28 Clerk's Notice of Default Entry, and a Proof of Service of same was filed with the Court on August

4, 2016 (Dkt. #14).

4. Plaintiffs' counsel's attempts to contact Defendant concerning resolution of this matter have been unsuccessful. Accordingly, Plaintiffs respectfully request that the Case Management Conference, currently scheduled for August 30, 2016, be continued for 60-90 days, to allow sufficient time for Plaintiffs to prepare and file a Motion for Default Judgment against Defendant.

5. There are no issues that need to be addressed by the parties at the currently scheduled Case Management Conference. In the interest of conserving costs as well as the Court's time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled Case Management Conference.

I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above entitled action, and that the foregoing is true of my own knowledge.

13 Executed this 22<sup>nd</sup> day of August, 2016, at San Francisco, California.

SALTZMAN & JOHNSON  
LAW CORPORATION

By: /S/

Matthew P. Minser

Attorneys for Plaintiffs, Operating Engineers' Health and Welfare Trust Fund for Northern California, et al.

| IT IS SO ORDERED.

21 The currently set Case Management Conference is hereby continued to  
22 \_\_\_\_\_ at \_\_\_\_\_, and all previously set deadlines and dates  
23 related to this case are continued accordingly.

**24** | DATED: . . . . . 2016

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# UNITED STATES DISTRICT COURT JUDGE

## PROOF OF SERVICE:

I, the undersigned, declare:

I am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On **August 23, 2016**, I served the following document(s) on the parties to this action in the manner described below:

**PLAINTIFFS' REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER THEREON**

**10** XX MAIL, being familiar with the practice of this office for the collection and the processing of  
**11** correspondence for mailing with the United States Postal Service, and deposited in the  
**12** United States Mail copies of the same to the business addresses as specified below, in a  
sealed envelope fully prepared.

13 | *Tech*

**Kino Aggregates, Inc., a Nevada Corporation  
c/o AABS, Inc., Agent for Service of Process  
1817 Morena Blvd., Ste. A  
San Diego, CA 92110**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 23<sup>rd</sup> day of August, 2016, at San Francisco, California.

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